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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

WILD HORSE EDUCATION, a non-
profit corporation; and LAURA LEIGH,
individually,

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF
INTERIOR, BUREAU OF LAND
MANAGEMENT, and JON RABY,
Nevada State Director of the Bureau of
Land Management,

Defendants.

CASE NO. 3:23-cv-00372

**DECLARATION OF COLETTE
KALUZA IN SUPPORT OF
PLAINTIFF'S MOTION FOR A
TEMPORARY RESTRAINING
ORDER**

1 I, Colette Kaluza, declare as follows:

- 2 1. I am a certified shorthand reporter in California and a retiree of California Courts
3 Sacramento County.
- 4 2. I have volunteered for numerous animal advocacy organizations for 30 years.
- 5 3. I began volunteering for Wild Horse Education in 2017 after leaving Humane Society of
6 the United States (HSUS) in 2016.
- 7 4. In 2021, after Laura Leigh underwent surgery and needed field help, I began
8 documenting roundups.
- 9 5. I became a member of the WHE CAWP team after my second roundup due to the
10 conduct I witnessed and the need for reform of the BLM CAWP program.
- 11 6. I have provided testimony at the annual Motorized Vehicle Use Hearing with no reply,
12 review, or response since 2021.
- 13 7. I have provided comments to the bi-annual Advisory Board since 2021 as a WHE team
14 member.
- 15 8. Since 2021, I have spent 90 days at drive trap operations each year.
- 16 9. I documented the entire 42-day Triple B operation during July and August of 2022 in this
17 same district.
- 18 10. After the Triple B operation, I prepared the WHE team assessment of the Triple B
19 operation with our team. See **Exhibit A: WHE Team Assessment of Triple B Operation**.
- 20 11. I assisted with WHE's review and recommendations referencing the BLM CAWP
21 program submitted to BLM in November of 2022.
- 22 12. The same personnel are in charge, assisting and contracted during this current roundup at
23 the Antelope Complex.
- 24 13. I am the designated WHE team member for the north trap at the Antelope Complex.
- 25
- 26

1 14. I arrived on July 8th and attended the first day.

2 15. I submitted written notes and complete video documentation to our team lead on return
3 from the field.

4 My documentation included:

5 16. Capture of an extremely young foal that was found dead in the pen the next morning from
6 “colic” that is most often caused by stress and dehydration.

7 17. A palomino stallion known by members of our organization was captured after
8 attempting to escape and suffered a catastrophic compound fracture. He was chased by
9 both helicopters and wranglers on horseback. When he was at the far side of the valley,
10 out of sight, he was shot. The incident took over 30 minutes to resolve.

11 18. Rough handling of an older mare that was relentlessly pursued and roped by two
12 wranglers that appear to use an old cowboy technique where they make the horse fall,
13 rise, fall again, using a rope to tire it out. If they were not using that technique, the
14 documentation shows a mare repeatedly collapsing.

15 19. Wild horses driven through areas used for livestock turnout with rows of barbed wire,
16 ruts from cattle use, and vehicles. Horses pursued at rapid rates fall, flip and crash into
17 each other.

18 20. On July 19th, monsoonal type rains hit during active trapping and wild horses were
19 transported to temporary holding where I could not even see the horses in the pens from
20 the deluge.

21 21. I documented numerous bands with very young foals running so hard and long that foals
22 could not keep up. On more than one occasion, it appears the foals were left on the range.

23 22. I am committed to staying at this operation.

24 23. I remain committed to doing all that I can to stop these atrocities.
25
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1 24. After more than 30 years working in the court system, I am familiar with government
2 practices.

3 25. As a certified shorthand reporter, I consider myself detail oriented and practical.

4 26. I find myself completely disillusioned at how disorganized roundup operations are in
5 practice and how unprofessional and confrontational BLM employees conduct
6 themselves.

7 27. I am aware of a stallion that died of a compound fracture on July 13th and aired on the
8 news over the next few days.

9 28. On July 15th, Jenny Lesieutre, public affairs for north Antelope Complex gather operation
10 was setting the scene of the day at temporary holding corral shows. Monica Ross, an
11 observer representing American Wild Horse Campaign for the south Antelope Complex
12 gather operation, was sitting in the car of Lesieutre.

13 29. I am also aware that a mare fractured her neck on July 16th and aired on the news over the
14 next few days.

15 30. On July 18th, a clip of horses colliding and flipping in a livestock grazing allotment was
16 aired on 8 News Now and it went viral on the internet on the 19th.

17 31. On July 20th, a team member colleague who had documented the south trap arrived at
18 temporary holding before I did (Marie Milliman). Marie had had her “tour” of the south
19 trap pens, and I was told my “tour” would take place in about an hour. I approached
20 Marie and we talked about the roundup briefly before I began to take pictures. BLM
21 public affairs Lesieutre screamed at me. She told me I was not allowed to chat with our
22 team member from the south trap. She stated that no one from south or north trap talks to
23 each other, not even BLM. Lesieutre also stated I am being disrespectful for only
24 wanting to go to temporary holding corral to meet up with Marie. I am aware the
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1 incidents with the horses and the hostility with Lesieutre all occurred during times when
2 the heat index rises.

3 32. Plaintiffs' Complaint for Injunctive and Declaratory Relief was filed on July 26th.

4 33. On July 27th, never having occurred to WHE team's knowledge, two traps were set up. I
5 and WHE team were only informed of this at 6:30am at the meeting location for gather
6 observation. There were two helicopters for the two traps under 9 miles apart. I was
7 informed by Garrett Swisher, I.C., that public observation was only offered at one trap
8 (north trap) this day and all subsequent days because terrain is flat and there is a lack of
9 view at the other trap (south trap). Although on a latter day, Swisher added it was also
10 because there were not available public affairs personnel to cover public observation at
11 the two traps. I informed Swisher that WHE has two observers available and would have
12 come to cover the south trap today and thereafter. Greg is BLM public affairs. I requested
13 Greg's business card, which I did not receive because I did not need to know his last
14 name. This same day while awaiting a tour of a temporary holding corral, vehicles and
15 equipment (ATV, two trucks with stock trailers, semi-truck) were moved and positioned
16 to block my view of newly captured horses in temporary holding corral. I informed
17 Swisher upon tour, and he said he would talk to contractor about not blocking my view.
18

19 34. On July 28th, upon being informed by Greg "Doe" that gathering was done for the day at
20 north trap, I asked Greg "Doe" to remind Swisher of my standing request for a tour of
21 each trap including the south trap. No tour of either trap was offered.

22 35. On July 29th, I could not see any sorting through the chute, because a water truck was
23 moved and positioned directly obstructing my view when a horse appeared agitated. At
24 one point it looks like he even moved about 2 feet to ensure my complete inability to
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1 document the sorting. The water truck moved out immediately after sorting was done and
2 moved again a few times to obstruct my view time when more horses arrived.

3 36. I am appalled at how BLM treats the public if you are someone that wants to see them
4 change.

5 37. The first time I observed a roundup operation, I was alarmed at the way wild horses were
6 treated and was compelled to continue attending them to learn more. I am increasingly
7 disgusted and sickened. I am deeply wounded at how BLM continues to make excuses
8 for the way they treat these wild horses.

9 38. I feel a connection to wild horses and love and appreciate their nature. One day at this
10 roundup I was fortunate to be in the presence of a band of horses who were peaceful,
11 naturally interacting with each other, and acting curious of me. Shortly after, they were
12 chased by a helicopter and captured. Later at the temporary holding corral, I saw the band
13 permanently separated. What I experienced and seen at this roundup will haunt me.

14 39. Due to time constraints and the need for this to be in court immediately, I authored this
15 with brevity but can expand on it.

16 40. July 30, 2023, I RSVP'd for the wild horse gather per protocol and was informed "same
17 meeting place and time tomorrow but sounds like it will be a new trap location" by BLM
18 public affairs.

19 41. Today, July 31, 2023, 6:30 a.m., Garrett Swisher in charge, informed me at observation
20 meeting location just south of Wells, there is one trap today and there will be no public
21 observation at trap because there are private lands to get to trap location. I said these are
22 public roads. Swisher repeated to access trap you have to go through private lands. I
23 repeated these are public roads. Swisher stated he has a letter from a private landowner
24 no public allowed. I asked for the letter, but he said I'd have to FOIA. I asked Swisher
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1 for coordinates for the trap location and picture of the trap, to which Swisher was caught
2 off guard but seemed agreeable. Swisher went to talk to others (BLM personnel and
3 other gather-related personnel), and he came back and said I'd have to FOIA. Swisher
4 asked if I had any other questions. I asked if there was any more information he could
5 give me, and he said no.

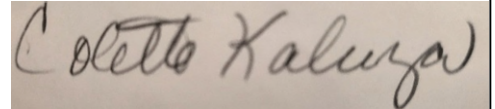
6 42. I was told I can go to temporary holding corral, about an hour and a half away, which I
7 did. There were no horses arriving. After a while I left. I went to the morning
8 observation meeting location because maybe I could see captured horses in stock trailers
9 leaving the area and headed for temporary holding corral like I had documented the day
10 before. I did not see any, so I called Laura Leigh for advice. She suggested, if I wanted,
11 I could go tool around the area near where I was yesterday and observe the gather. She is
12 very familiar with the area, had a map in her hand, and there are no private roads out
13 there, and I could tool around out there. That sounded good. I saw one truck with a stock
14 trailer of captured horses. Then I saw a fence, an open gate and BLM ranger Culver. I
15 asked Culver if I was allowed beyond the open gate. Culver informed me the gate is
16 always open and this is checkerboard and that he is there to monitor traffic during the
17 wild horse gather, and for safety reasons radios Swisher for vehicle to cross and drive
18 down the road. Culver asked if I wanted access to drive down the road. I answered yes.
19 At gathers BLM rangers are often seen monitoring traffic like this. Culver radioed
20 Swisher and informed me Swisher would be coming to talk to me. Culver mentioned the
21 helicopter needed fuel and the gather may be over for the day. A helicopter then flew
22 past us.

23
24 43. Culver approved of me parking off the side of the road. Swisher arrived and I asked for
25 access tomorrow for this trap. Swisher replied no and that past the trap it is private land
26

1 and the one that said he didn't want public there. I said I would not go past the trap.

2 Swisher said if I am on this side, I am in the way.

3 DATED this 31st day of July, 2023.

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Colette Kaluza